

State OHIO

Citation

42 CFR 433.36(c)  
AT-78-90  
47 FR 43644

4.17 Liens and Recoveries

Liens are imposed against an individual's property.

☒ No.

☐ Yes.

- (a) Liens are imposed against an individual's property before his or her death because of Medicaid claims paid or to be paid on behalf of that individual following a court judgement which determined that benefits were incorrectly paid for that individual.

☐ Item (a) is not applicable. No such lien is imposed.

☐ Item (a) applies only to an individual's real property;

☐ Item (a) applies only to an individual's personal property; or

☐ Item (a) applies to both an individual's real and personal property.

- (b) Liens are placed against the real property of an individual before his or her death because of Medicaid claims paid or to be paid for that individual in accordance with 42 CFR 433.36 ~~(g)(2)~~ <sup>per AT 83-3</sup> <sub>EK.</sub>  
~~and~~ (g)(2).

☐ Item (b) is not applicable. No such lien is imposed.

TN # 83-3  
Supersedes  
TN # 74-22

Approval Date 2-18-83  
2/12/75

Effective Date 1-1-83  
7/1/74

Revision: HCFA-AT-82-29 (BPP)  
December 1982

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Citation  
42 CFR 433.36(c)  
AT-78-90  
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- 4.17 (c) Adjustments or recoveries for Medicaid claims correctly paid are imposed only in accordance with section 433.36(h).
- (d) No money payments under another program are reduced as a means of recovering Medicaid claims incorrectly paid.
- (e) ATTACHMENT 4.17-A —
- (a) Specifies the process for determining that an institutionalized individual cannot reasonably be expected to be discharged from the medical institution and return home. The description of the process meets the requirements of 42 CFR 433.36(d).
- (b) Defines the terms specified in 42 CFR 433.36(e).
- (c) Specifies the criteria by which a son or daughter can establish that he or she has been providing care, as specified under 42 CFR 433.36(f).

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53b

State: Ohio

Citation  
1917(b)  
of the Act

4.17 (f)

Correctly paid Medicaid payments paid on behalf of individuals who are 55 years of age or older when in receipt of Medicaid, and lived in a nursing facility or intermediate care facility for the mentally retarded, or received home and community based services are subject to estate recovery. The amount of Medicaid payments to be recovered from the estate is equal to the total amount of Medicaid payments made to the nursing facility, intermediate care facility for the mentally retarded, or home and community based services and any related hospital or drug charges.

TN No. 95-007  
Supersedes  
TN No. new

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